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REMARKS/ARGUMENTS

Claims 1-16 are pending in this application. By this Amendment, Applicant amends claim 1.

Claims 1, 2, 4 and 7-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nishizawa et al. (U.S. 4,785,278). Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishizawa et al. in view of Masuda et al. (U.S. 6,380,841). Claims 3, 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishizawa et al. in view of Doi et al. (JP 2001-015308). Applicant respectfully traverses these rejections.

Claim 1 has been amended to recite:

"A variable resistor comprising:
an insulating substrate having a substantially arch-shaped resistor provided on a surface thereof; and
a sliding contact rotatably attached to the insulating substrate; wherein
the sliding contact includes a body including a contact arm sliding over the resistor and a disk section for supporting the contact arm and a driver plate overlapping the body for being operated by a tool;
a step disposed in a portion of the driver plate opposing a contact of the contact arm such that a gap between the portion of the driver plate having the step disposed therein and the contact arm is greater than a gap between a portion of the driver plate not having the step disposed therein and the contact arm; and
the portion of the driver plate having the step disposed therein has a thickness that is less than a thickness of the remainder of the driver plate, the thicknesses being defined as a distance between upper and lower major surfaces of the driver plate."
(emphasis added)

The Examiner alleged that Nishizawa et al. teaches all of the features recited in Applicants' claim 1, including "a driver plate 16, with the step [being] the thin section where 16 points at Fig. 5. That is, as seen in Fig. 4, that section on the right most side adjacent the notch 19 is the thinnest (from left to right as seen at Fig. 4) of the whole plate."

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It is clear from the portion of the Examiner's description of the rejection of claim 1 quoted above, that the Examiner is interpreting the recitation of "a thickness" extremely broadly, and contrary to the plain meaning of the term thickness. That is, the Examiner is interpreting the thickness of the driver plate 16 of Nishizawa et al. as being a dimension extending from left to right across a major surface of the driver plate 16, as seen in Fig. 4, when in reality, the thickness of the driver plate 16 of Nishizawa et al. is clearly the distance between the upper major surface and the lower major surface of the driver plate 16, as seen in Fig. 5.

Applicant has amended claim 1 to recite the feature of "the portion of the driver plate having the step disposed therein has a thickness that is less than a thickness of the remainder of the driver plate, **the thicknesses being defined as a distance between upper and lower major surfaces of the driver plate**" (emphasis added).

As seen in Fig. 5 of Nishizawa et al., the thickness (defined as a distance between an upper and lower major surfaces) of all portions of the driver plate 16 of Nishizawa et al. is the same (see Fig. 5), and no portion of the driver plate 16 has a thickness that is less than any other portions of the driver plate. Thus, Nishizawa et al. clearly fails to teach or suggest any portion of the driver plate 16 having a thickness that is less than a thickness of the remainder of the driver plate 16, and certainly fails to teach or suggest the feature of "the portion of the driver plate having the step disposed therein has a thickness that is less than a thickness of the remainder of the driver plate, the thicknesses being defined as a distance between upper and lower major surfaces of the driver plate" as recited in Applicant's claim 1.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(a) as being anticipated by Nishizawa et al.

The Examiner has relied upon Masuda et al. and Doi et al. to allegedly cure various deficiencies of Nishizawa et al. However, Masuda et al. and Doi et al. clearly fail to teach or suggest the feature of "the portion of the driver plate having the step

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disposed therein has a thickness that is less than a thickness of the remainder of the driver plate, the thicknesses being defined as a distance between upper and lower major surfaces of the driver plate" as recited in Applicant's claim 1.

Accordingly, Applicant respectfully submits that Nishizawa et al., Masuda et al. and Doi et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claim 1.

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claim 1 is allowable. Claims 2-16 depend upon claim 1, and are therefore allowable for at least the reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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